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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/675,266
Filing Date: September 30, 2003
Appellant(s): BURGER ET AL.

Owen J. Gamon
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 11 February 2008 appealing from the Office action mailed 6 September 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,993,533	Barnes	1-2006
5,603,025	Tabb et al.	2-1997

The Open Directory Project, www.dmoz.org, 1999.

Open Directory Project Terms of Use, <http://dmoz.org/termsfuse.html>, as retrieved 28 August 2007, last updated on 19 April 2001.

Pearson, Randy, "Default Value", SQL Wiki, 14 December 2000.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4-11, 14-16, and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,993,533 hereinafter referred to as Barnes in view of the Open Directory Project.

Claim 1 is rejected as Barnes Teaches:

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Requesting a plurality of records from the one of the one or more information suppliers;(Col 10 lines 22-23, Col 4 lines 55-56)

selecting a subset of a plurality of characteristics from a plurality of records based on a model norm(Figure 5);

preparing a report with the subset(Figure 6, col 9 lines 39-46)

ordering the subset of the plurality of characteristics in the report based on a

relative significance of the characteristics in the model norm. wherein the relative

significance specifies a different order of the characteristics than the records'. (Col 10 lines 42-51, Col 2 lines 43-46 shows that the order the rows, or characteristics, order as a record inside a database is arbitrary, therefore it is inherent that the defined order is different from an arbitrary order,)

ordering the plurality of records in the report based on a sort rule in the model

norm(Figure 5)

receiving a favored norm from one of the plurality of information providers of a selected record

in the report(Col 9 lines 63-67, Col 10 line 56 – Col 11 line 2, Col 10 lines 24-29 expressly discloses the report templates being stored at the information provider)

selecting a second subset of the plurality of characteristics from the plurality of

Records. wherein the favored norm specifies the second subset(Figure 8) and

creating a second report with the second subset(Figure 9).

However Barnes fails to expressly disclose:

registering a plurality of information suppliers and a plurality of area of interest associated with the plurality of respective information suppliers

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finding one of the plurality of areas of interest associated with one of the plurality of information suppliers that matches a field of interest requested by a client

This limitations however were well known in the art at the time of the invention as the claim a directory type search engine, and thus are taught in the provided pages from the Open Directory Project Web Page. Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to include these features as it allows user to quickly search for desired data.

Claim 4 is rejected for the following reasons:

4. The method of claim 1, wherein the preparing the report further comprises: preparing extra characteristics not in the subset in a least-significant column of the report as a sequence of name-value pairs(*Barnes, Col 10 lines 42-51, the ability to drill into individual records, retrieving the record*).

Claim 5 is rejected for the following reasons:

5. The method of claim 4, wherein the preparing extra characteristics further comprises: ordering the name-value pairs based on a relative significance in a favored norm(*Figure 8*).

Claim 6 is rejected for the following reasons:

See Claims 1 rejection.

Claim 7 is rejected for the following reasons:

See Claim 4 rejection

Claim 8 is rejected for the following reasons:

See Claim 5 rejection

Claim 10 is rejected for the following reasons:

See Claim 1 rejection

Claim 11 is rejected for the following reasons:

See Claim 1 rejection.

Claim 14 is rejected for the following reasons:

See Claim 5 rejection.

Claim 15 is rejected for the following reasons:

See Figure 8 “Group By”.

Claim 16 is rejected for the following reasons:

See Claim 1 rejection.

Claim 18 is rejected for the following reasons:

See Claim 5 and 1 rejections.

Claim 19 is rejected for the following reasons:

See Claim 15 rejection.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barnes in view of the Open Directory Project and the Open Directory Project Terms of Use as applied to claims 1, 4-11, 14-16, and 18-19 above, and in further view of U.S. patent No. 5,603,025 hereafter referred to as Tabb.

Claim 9 is rejected for the following reasons:

Barnes teaches the claims upon which claim 9 is dependent, as well as the ability for users to be able to drill down into more data, but did not expressly disclose there being an indicator that there is more information on the record. However, this is taught in Col 20 lines 28-47 of Tabb. Thus, it would have been obvious to one of ordinary skill in art to include this feature as it allows users to quickly identify paths to more data.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barnes in view of the Open Directory Project and the Open Directory Project Terms of Use as applied to claims 1, 4-11, 14-16, and 18-19 above, and in further view of “Default Value” known hereafter as Pearson.

Claim 20 is rejected for the following reasons:

Barnes teaches the claim upon which claim 20 is dependant, but fails to teach a default value being defined in the model norm, this is taught in Pearson however. Which teaches defining default values for views (or models) of database tables. Thus, it would have been obvious to one of ordinary skill in the art to define default values in the normalization for a view, or model, as it makes the “default value visible to (the) user in data entry forms”.

(10) Response to Argument

A) The Applicable Law

The applicant presents no arguments in this section of the brief.

B) Discussion of the Rejections

1. Claims 1, 4-11, 14-16, and 18-19 are rejected under 35 U.S.C. 103(a) over Barnes (U.S. Patent No. 6,993,533 B1), in view of the Open Directory Project and the Open Directory Project Terms of Use.

In response to the applicant's arguments that "requesting a plurality of records from the one of the plurality of information suppliers; creating a model norm based on a data dictionary, wherein a format of the data dictionary is standardized by an agreement among the plurality of information suppliers; selecting a subset of a plurality of characteristics from the plurality of records based on the model norm" is not taught by the combination of Barnes with the Open Directory Project Terms of Use, the arguments have been fully considered, but are not deemed persuasive.

As stated by the applicant the Open Directory Project and the Open Directory Project Terms of Use are relied upon for the teaching of "a format of the data dictionary is standardized by an agreement among the plurality of information suppliers". The applicant contends that since the Open Directory Project Terms of Use does not contain any agreement regarding the format, structure, or content of the sites that are linked to by the ODP, the claim limitation is not met. However, it is put forth that the directory and its organization is itself a data dictionary, which references the sites. This data dictionary is organized based on the decisions of Netscape and ODP staff and is agreed upon by the contributors.

The applicant further contends that "modifying Barnes with the Open Directory Project and the Open Directory Project Terms of Use also destroys the state purpose of Barnes." However, this is not the case. The entire reference of the Open Directory Project is not being

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added to the Barnes reference, only the concept of getting data from a plurality of suppliers and organizing that data based on an agreement between the suppliers is being taken from the Open Directory Project reference. Once the data is received it is stored as described in the Barnes reference, which has been agreed upon by the information suppliers.

If it is further noted that any information supplier is implicitly agreeing to how data is to be stored when they submit the data to be stored. If they were not in agreement they would be reluctant to supply the data.

2. Claim 9 is rejected under 35 USC §103(a) over Barnes in view of Open Directory Project and in further view of Tabb (U.S. patent No. 5,603,025).

The applicant presents no new arguments in this section of the brief.

3. Claim 20 is rejected under 35 USC §103(a) over Barnes in view of the Open Directory Project, and in further view of Pearson (“Default Value”).

The applicant presents no new arguments in this section of the brief.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner’s answer.

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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Jacob F Bétit/

Jacob F. Bétit
Examiner, Art Unit 2164

Conferees:

/Charles Rones/

Supervisory Patent Examiner, Art Unit 2164

/Vincent Trans/
SPRE/QAS 2100

On 22 April 2008 an appeal conference was held, and it was agreed to proceed to the Board of Patent Appeals and Interferences.